Ratification of UNESCO/UNIDROIT convention

1895. SHRIMATI PREMA CARRIAPPA: Will the Minister of CULTURE be pleased to state:

(a) whether the country has ratified the UNESCO/International Institute for the unification of Private Law (UNIDROIT) Convention of Stolen or Illegally Exported Cultural Objects, 1995;

(b) if not, the reasons therefor; and

(c) if so, the details of the cases country has pursued under this Convention?

THE MINISTER OF CULTURE (SHRIMATI AMBIKA SONI): (a) No, Sir.

(b) The reasons are as under:—

i) There are no practical benefits if most of the "countries of destination" or "importing countries" of stolen or illegally exported cultural objects are not a party to the Convention. Many countries have not ratified the Convention.

ii) Under Article 3(3) of the Convention, there is a time limitation, on claiming restitution of stolen cultural property. This time limitation of three years is considered unrealistic given the resource and technical constraint of the developing countries of getting together evidence for proving ownership of stolen cultural property as well as the time taken for obtaining legal assistance from the state of destination.

iii) Under Article 4(1) of the Convention, the possessor of the cultural object is required to be compensated by the requesting state at the time of the return if he did not know that the object had been illegally exported or stolen. This places an undue burden on the requesting State and is not in conformity with the common law principle of *nemo dat quad non habit, i.e.* the buyer cannot acquire a better title than the seller of the property. The obligation to pay compensation should lie with the person who sold the illegally acquired cultural object to the possessor and not the State from which the object was stolen or illegally exported. The State, under this Convention, is under a double burden. It not only has to approach directly the courts of another contracting State for the return of a stolen cultural object, but also has to pay compensation to an innocent purchaser.

(c) Does not arise in view of (a) above.

Encroachment of historical monuments

1896. SHRI O.T. LEPCHA:
SHRI SANTOSH BAGRODIA:

Will the Minister of CULTURE be pleased to state:

(a) whether it is a fact that rampant encroachments have taken place at historical monuments due to lack of security;

(b) if so, the details of such monuments where encroachments have taken place and the steps being taken to clear such encroachments;

(c) whether Government has taken up the issue with the respective State Governments; and

(d) if so, the response of the State Governments?

THE MINISTER OF CULTURE (SHRIMATI AMBIKA SONI): (a) Several factors have contributed to encroachments on protected areas of monuments such as rapid urbanization, increasing pressures on land, commercialization, etc.

(b) The details of the State-wise number of monuments with encroachment on protected area is given Statement-I (*See* below). The Superintending Archaeologists of the Circles have been delegated the powers of the Central Government to issue 'Show Cause Notice' to encroachers for removal of encroachments under the provisions of AM&ASR Act, 1958 and Rules 1959.

They are also vested with the powers of Estate Officer under the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 to initiate immediate legal action against the encroachers. They watch and inspect the centrally protected monuments/sites on a regular basis. They also interact with the District authorities and the State Police from time to time to thwart/remove encroachments. The ASI has deployed watch and ward staff in addition to the deployment of private security guards, State Police and Home Guards, and CISF in selected cases.

Wherever feasible and necessary, efforts have been made to provide fencing around centrally protected monuments.

(c) and (d) The issue has been taken up at various levels with the concerned State Governments, and encroachments have been removed from various monuments/sites listed in the Statement-II.

Statement-I

The details of Centrally Protected Monuments as well as the number of encroachments (State-wise)

Sl.No.	Name of State	No. of Monuments	Number of monuments with encroachment
1	2	3	4
1.	Andhra Pradesh	137	1
2.	Arunachal Pradesh	05	Nil
3.	Assam	53	3
4.	Bihar	70	2
5.	Chhattisgarh	47	6
6.	Daman & Diu (U.T.)	12	Nil
7.	Goa	21	Nil
8.	Gujarat	202	12

1	2	3	4
9.	Haryana	90	7
10.	Himachal Pradesh	40	2
11.	Jammu & Kashmir	69	10
12.	Jharkhand	12	7
13.	Karnataka	507	60
14.	Kerala	26	6
15.	Madhya Pradesh	286	3
16.	Maharashtra	286	29
17.	Manipur	01	Nil
18.	Meghalaya	08	Nil
19.	Nagaland	04	Nil
20.	N.C.T. Delhi	175	11
21.	Orissa	78	3
22.	Puducherry (U.T.)	07	Nil
23.	Punjab	31	1
24.	Rajasthan	162	2
25.	Sikkim	03	Nil
26.	Tamil Nadu	413	1
27.	Tripura	05	1
28.	Uttar Pradesh	742	79
29.	Uttaranchal	042	3
30.	West Bengal	133	Nil
	TOTAL	3667	249

Statement-II

The details of encroachment removed from centrally protected monuments

Sl.No.	Name of Monument	Location/State
1.	ASSAM: GUWAHATI CIRCLE	
i.	Monoliths, Kasomary Pahar	District Golaghat, Assam
ii.	Rock Cut Caves, Joggighopa	District Bongaigaon, Assam
2.	ANDHRA PRADESH: HYDERABAD CIRCLE	
i.	Attarah Sidi area in Golconda Fort	Hyderabad, Andhra Pradesh
3.	BIHAR: PATNA CIRCLE	
i.	Ancient monument	Kurkihar, Bihar

Sl.No.	Name of Monument	Location/State
4.	DELHI: DELHI CIRCLE	
i.	Qutab Minar complex	Mehrauli, Delhi
ii.	Tughlaqabad Fort	Delhi
iii.	Bara Khamba	Delhi
iv.	Shershah Gate	Delhi
v.	Nila Gumbad	Delhi
vi.	Sarai Shahji	Delhi
vii.	Siri Fort Wall	Delhi
viii.	Humayun's Tomb	Delhi
ix.	Chhote Khan, Bare Khan & Bhure Khan	Delhi
x.	Arab ki Sarai	Delhi
xi.	Unknown Mosque	Delhi
xii.	Tomb of Razia Begum in Mohalla, Shahajahanabad	Delhi
xiii.	Lodhian Road Cemetery, Kashmiri Gate	Delhi
5.	HARYANA: CHANDIGARH CIRCLE	
i.	Prithviraj Chauhan's Fort (Partly)	Hansi, Haryana
ii.	Ancient Site Rakhigarhi (Partly)	Rakhigarhi, Haryana
iii.	Raja Harsh ka Qila (Partly)	Thaneswa, Haryana
iv.	Ancient Site	Narurangabad, Haryana
v.	Ancient Site	Sunet, Punjab
6.	KARNATAKA: BANGALORE CIRCLE	
i.	Krishna Temple Complex	Kadirampuram, Karnataka
ii.	Hemakuta Jaina Temple	Kadirampuram, Karnataka
iii.	Kodandarama Temple	Kamalapuram, Karnataka
iv.	Patabhirama Temple	Kamalapuram, Karnataka
v.	Maridapa Close to Talwargatta Gate	Nimbapuram (Hampi), Karnataka
vi.	Yendam aragunda	Hampi, Karnataka
vii.	Bhoganandeeshwara Temple	Nandi, Karnataka
viii.	Someshwara Temple	Kolar, Karnataka
ix.	Fort at Chitradurga	Chitradurga
x.	**DHARWAD CIRCLE**	
xi.	Haft Gumbaz	Gulbarga
xii.	Fort	Gulbarga
xiii.	Mahadeva Temple	Ittagi

Sl.No.	Name of Monument	Location/State
xiv.	Part of Fort Wall	Bijapur
	Jumma Masjid	Bijapur, Karnataka
7. MADHYA PRADESH: BHOPAL CIRCLE		
i.	Shiv Temple	Bhojpur, Madhya Pradesh
ii.	Monuments at Mandu, viz. Taveli Mahal, Jama Masnid and Daria Khan Tomb	Mandu, Madhya Pradesh
iii.	Mohammad Ghaus ka Tomb	Gwalior, Madhya Pradesh
8. MAHARASHTRA: AURANGABAD CIRCLE		Nurmahal, Punjab
i.	Daulatabad Fort	Daulatabad, Maharashtra
ii.	Bibi-ka-Maqbara	Aurangabad, Maharashtra
iii.	Ancient Site	Newasa, Maharashtra
iv.	Markandadev Group of Temples,	Markanda, Maharashra
v.	Someshwar Mahadev Temple	Neri, Maharashtra
9. ORISSA: BHUBANESWAR CIRCLE		
i.	Sun Temple	Konark, Orissa
ii.	Mukteshwar Temple	Bhubaneswar, Orissa
iii.	Kameshwar Temple	Bhubaneswar, Orissa
iv.	Udayagiri Khandagiri Caves (partially removal)	Bhubaneswar, Orissa
10. PUNJAB: CHANDIGARH CIRCLE		
i.	Nurmahal Sarai	Nurmahal, Jalandhar
11. RAJASTHAN: JAIPUR CIRCLE		
i.	Gate of Taragarh Hill	Ajmer, Rajasthan
12. TAMIL NADU: CHENNAI CIRCLE		
i.	Brihadeshwara Temple	Gangaikondacholapuram, Tamil Nadu
ii.	Darasuram	Thanjavur District, Tamil Nadu
iii.	Madagadipattu, Pondicherry	Puducherry
13. UTTRAKHAND: DEHRADUN CIRCLE		
i.	Adibadri Group of Temples, Distt. Chamoli	Distt. Chamoli
14. UTTAR PRADESH: LUCKNOW CIRCLE		
i.	Naubatkhana/Nakkar Khana of Bara Imambara	Lucknow, Uttar Pradesh
ii.	Platform and staircases of Amjad Ali Shah's Mausoleum	Lucknow, Uttar Pradesh
iii.	Cemetery near Fort Machhi Bhawan	Lucknow, Uttar Pradesh
iv.	Bargawan Cemetery	Lucknow, Uttar Pradesh

Sl.No.	Name of Monument	Location/State
v.	Mahibullahpur Memorial Pillar	Lucknow, Uttar Pradesh
vi.	Panch Mahal of Jhansi Fort	Jhansi, Uttar Pradesh
vii.	Compound of Sikanderbgarh building	Lucknow, Uttar Pradesh
viii.	Marion Cemetary	Lucknow, Uttar Pradesh
ix.	Asifudding Bara Imambara	Lucknow, Uttar Pradesh
x.	Khusrubagh Gate	Lucknow, Uttar Pradesh
xi.	Kydgnil Cemetary	Allahabad, Uttar Pradesh
xii.	Rani Mahal	Jhansi, Uttar Pradesh
xiii.	Amjad Ali Shah Mausoleum	Lucknow, Uttar Pradesh
15. WEST BENGAL: KOLKATA CIRCLE		
i.	Hazarduari Place and Imambara (From the area within fencing)	Murshidabad, West Bengal
ii.	John Pierce's Tomb	Midnapore, West Bengal

Facelifting of world Heritage sites in India

1897. MS. PRAMILA BOHIDAR:
SHRI B.J. PANDA:

Will the Minister of CULTURE be pleased to state:

(a) whether Government proposes to give a facelift to the World Heritage sites in India; and

(b) if so, the details thereof, *inter alia* indicating those that are porposed to be improved with basic amenities in State of Orissa with a view to boost tourism in this backward region?

THE MINISTER OF CULTURE (SHRIMATI AMBIKA SONI): (a) and (b) Conservation and maintenance of 19 World Heritage Sites which are under the control of the Archaeological Survey of India, is undertaken in accordance with prescribed norms and guidelines. Around Rs. 19 crore have been allotted during the current financial year for conservation, chemical preservation and horticultural activities at these World Heritage Sites.

Sun Temple, Konark is ASI's only World Heritage site located in the State of Orissa. In the current financial year, a budget of Rs. 1.06 crore has allotted for its conservation and maintenance. In addition, a Memorandum of Understanding has been signed with the Indian Oil Foundation under the National Culture Fund for environmental development and provision of tourist amenities in the Konark Temple complex. The budget for this project is approximately Rs. 13 crore.